

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

THE ESTATE OF LAURA RATLEY, by)
and through its duly appointed special)
administrator Robert Ratley; ROBERT)
RATLEY and AMY RATLEY as heirs at)
law of Laura Ratley, deceased; LEAH)
RATLEY; THE ESTATE OF REBECCA)
FULCHER, by and through its duly)
appointed special administrators John)
Fulcher and Amy Fulcher; JOHN)
FULCHER and AMY FULCHER as heirs)
at law of Rebecca Fulcher, deceased; and)
RYAN FULCHER,)

Plaintiffs,)

v.)

DHAFER M. AWAD and SHAMROCK)
FOODS COMPANY, an Arizona limited)
liability company,)

Defendants.)

Case No. CIV-19-00265-PRW

ORDER

On August 15, 2020, the attorney for the Ratley Plaintiffs filed a Notice to Take Deposition (Dkt. 56) and a Notice of Deposition of Defendant Shamrock Foods Company (Dkt. 57), giving notice to the parties of his intent to depose both Defendant Dhafer M. Awad and a Rule 30(b)(6) corporate representative for Defendant Shamrock Foods Company (hereinafter “Shamrock”) on September 14th in Phoenix, Arizona. On August 20th, the attorney for the Ratley Plaintiffs filed an amended Notice to Take Deposition (Dkt. 58), changing the date and place of Mr. Awad’s deposition to September 24th in San

Diego, California. After meetings to confer about “Reptile Theory” questions and the topics identified in the Rule 30(b)(6) Notice, defense counsel filed Defendant’s Motion to Quash or for Protective Order Regarding Rule 30(b)(6) Deposition (Dkt. 65) and Defendants’ Motion for Protective Order (Dkt. 66) on September 4th. In these motions, Defendants failed to request an expedited briefing schedule or a stay of the depositions.

But on September 10th, defense counsel filed Defendant’s Opposed Motion to Continue Plaintiffs’ Notice of Deposition of Defendant Shamrock Foods Company and Request for Expedited Consideration (Dkt. 67), asking the Court to enter an order staying the Rule 30(b)(6) deposition noticed for September 14th until after the Court rules on Defendant’s Motion to Quash or for Protective Order (Dkt. 65) and Defendants’ Motion for Protective Order (Dkt. 66). Defendant’s Opposed Motion to Continue (Dkt. 67) fails to request a stay of Mr. Awad’s September 24th deposition. The Opposed Motion to Continue (Dkt. 67) states that Plaintiffs object to the requested stay and that the Ratley Plaintiffs’ attorney intends to travel to Arizona to make a record that Shamrock failed to appear at its deposition despite the pending Motions for Protective Order.

Pursuant to LCvR 7.1(g), the Plaintiffs’ responses to Defendant’s Motion to Quash or for Protective Order (Dkt. 65) and Defendants’ Motion for Protective Order (Dkt. 66) would ordinarily be due “within 21 days after the date the motion was filed,” or by September 25th. Further, LCvR 7.1(i) would permit Defendants to reply to any new matter raised in the responses “within 7 days after the date the response was filed,” which could be as late as October 2nd. But those deadlines fall well after the proposed dates for both depositions. For good cause shown, the Court will grant the requested stay of the Rule

30(b)(6) deposition, grant a stay of Mr. Awad's deposition, expedite the briefing schedule, and set a hearing on the motions.

The Court further notes that several other discovery motions are pending and ripe for adjudication, including:

- (1) Defendants Shamrock Foods Company and Dhafer M. Awad's Motion to Compel the Ratley Family Plaintiffs to Supplement Their Initial Disclosures (Dkt. 35) filed April 20th;
- (2) Defendants Shamrock Foods Company and Dhafer M. Awad's Motion to Compel Plaintiff Ryan Fulcher to Supplement His Initial Disclosures (Dkt. 36) filed April 20th;
- (3) Defendants Shamrock Foods Company and Dhafer M. Awad's Motion to Compel the Fulcher Family Plaintiffs to Supplement Their Initial Disclosures (Dkt. 37) filed April 20th;
- (4) Defendant Shamrock Foods Company's Motion to Compel the Fulcher Family Plaintiffs to Supplement Discovery Responses (Dkt. 53) filed August 5th;
- (5) Defendant Shamrock Foods Company's Motion to Compel the Ratley Family Plaintiffs to Supplement Discovery Responses (Dkt. 54) filed August 5th; and
- (6) Defendant Shamrock Foods Company's Motion to Compel Plaintiff Ryan Fulcher to Supplement Discovery Responses (Dkt. 55) filed August 5th.

Regarding the first three motions listed above, Defendants filed an Application for Hearing (Dkt. 49) on July 16th. The Court will grant Defendants' Application for Hearing (Dkt. 49) and conduct a hearing on all outstanding discovery motions in the case.

IT IS THEREFORE ORDERED that Defendant's Opposed Motion to Continue Plaintiffs' Notice of Deposition of Defendant Shamrock Foods Company and Request for Expedited Consideration (Dkt. 67) is **GRANTED**. Accordingly, the deposition noticed in

Plaintiffs' Notice of Deposition of Defendant Shamrock Foods Company (Dkt. 57) is **STAYED** pending resolution of Defendant's Motion to Quash or for Protective Order Regarding Rule 30(b)(6) Deposition (Dkt. 65) and Defendants' Motion for Protective Order (Dkt. 66).

IT IS FURTHER ORDERED that the deposition noticed in Plaintiffs' Notice to Take Deposition (Dkt. 58) is hereby **STAYED** pending resolution of Defendant's Motion to Quash or for Protective Order Regarding Rule 30(b)(6) Deposition (Dkt. 65) and Defendants' Motion for Protective Order (Dkt. 66).

Regarding Defendant's Motion to Quash or for Protective Order Regarding Rule 30(b)(6) Deposition (Dkt. 65) and Defendants' Motion for Protective Order (Dkt. 66), the Court **DIRECTS** the Plaintiffs to file any responses thereto on an expedited basis by no later than Friday, September 18th, and the Defendants to file any replies on an expedited basis by no later than Wednesday, September 23rd.

IT IS FURTHER ORDERED that Defendants Dhafer M. Awad and Shamrock Foods Company's Application for Hearing (Dkt. 49) is **GRANTED**.

IT IS FURTHER ORDERED that all pending discovery motions (Dkts. 35, 36, 37, 53, 54, 55, 65, and 66) are **SET FOR HEARING** at 1:00 p.m. on Friday, September 25, 2020, in Courtroom 503 of the William J. Holloway, Jr. United States Courthouse located at 200 N.W. 4th Street, Oklahoma City, OK 73102. The Court **DIRECTS** lead counsel for the parties to meet in the courtroom at 12:30 p.m. to confer with respect to the matters presented in the pending discovery motions. Any matters remaining unresolved after such conference shall be heard by the Court at 1:00 p.m. If all issues presented in the

pending discovery motions are resolved by agreement, counsel shall immediately notify the Court of such resolution.

IT IS SO ORDERED this 11th day of September, 2020.

A handwritten signature in black ink, appearing to read 'P. Wyrick', is written above a horizontal line.

PATRICK R. WYRICK
UNITED STATES DISTRICT JUDGE